

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM PLUMMER,

Plaintiff,

v.

E. CADEN, et.al.,

Defendants.

CV F- 04-6770 AWI DLB P

ORDER DENYING PLAINTIFF'S
MOTION TO VACATE ORDER
DIRECTING PAYMENT OF INMATE
FILING FEE
[DOC # 45]

Plaintiff is proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. sec. 1983. On February 8, 2006, this Court granted plaintiff's application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. The Court also issued an order directing monthly payments in the amount of twenty percent of the preceding month's income credited to plaintiff's trust account be sent to the Clerk of the Court each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

On February 27, 2006, plaintiff filed a motion to vacate the order directing monthly payments from plaintiff's trust account. Plaintiff objects to the monthly payments from his trust account.

When a prisoner is granted leave to proceed in forma pauperis, the prisoner is required to pay

1 the statutory filing fee of \$250.00 for this action.¹ 28 U.S.C. § 1915(b)(1). The Court determined
2 that plaintiff had been without funds for six months and therefore the court did not assess an initial
3 partial filing fee. 28 U.S.C. § 1915(b)(1). However, plaintiff is still obligated to make monthly
4 payments in the amount of twenty percent of the preceding month's income credited to plaintiff's
5 trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee is
6 paid in full. 28 U.S.C. § 1915(b)(2). Indeed, plaintiff acknowledged this in his application to
7 proceed in forma pauperis filed on December 27, 2005, which states, "I hereby authorize the agency
8 having custody of me to collect from my trust account and forward to the Clerk of the United States
9 District Court payments in accordance with 28 U.S.C. section 1915(b)(2)."

10 Accordingly, plaintiff's motion to vacate the order directing monthly payments is HEREBY
11 DENIED.

12 IT IS SO ORDERED.

13 **Dated: March 10, 2006**
14 3b142a

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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¹ The statutory filing fee for all civil actions except applications for writs of habeas corpus is \$250.00. See 28
27 U.S.C. § 1914(a).
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